

REMARKS:

Please make of record the references identified in the Information Disclosure Statement (copy attached), which was filed on February 15, 2002 and received by the USPTO on February 27, 2002 as evidenced by the return postcard (copy also attached) stamped by the USPTO on February 27, 2002.

Claims 1-6 have been allowed.

Claims 7-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,918,217 (Maggioncalda). In response, Applicant respectfully contends for the following reasons that claims 7-14 as amended are patentable over the cited reference.

Maggioncalda fails to teach or suggest a processor which performs any arithmetic performance attribution computation, and fails to teach or suggest a processor which performs the operations specifically recited in any of claims 7-10 as amended. Maggioncalda also fails to teach or suggest a computer readable medium which contains instructions for programming a processor to perform any arithmetic performance attribution computation, and fails to teach or suggest a computer readable medium which contains instructions of the type specifically recited in claims 11-14 as amended.

Applicant respectfully contends that there is no basis determinable from Maggioncalda or any other reference of record for a contention that Maggioncalda's computer system is "capable of performing an arithmetic performance attribution computation" of the type recited in any of the claims as amended. Rather, such a contention is incorrect. In order for Maggioncalda's computer system to have the asserted capability, the processor of such system would need to be programmed or otherwise configured to perform the arithmetic performance attribution computation. Maggioncalda fails to teach or suggest how to so program or configure a processor, or that it would be desirable to so program or configure a processor. Absent teaching determinable from art of record to program a processor to perform the operations recited in any of the claims as amended and new claims, it would be improper to reject any of these claims on the basis of an unsupported assertion that it would have

been obvious to program, configure, or operate Maggioncalda's processor to perform such operations.

For the reasons set forth herein, reconsideration and allowance of claims 7-14 as amended is respectfully requested.

Respectfully submitted,

GIRARD & EQUITZ LLP

Dated: 4/20/06 By: Alfred A. Equitz

Alfred A. Equitz  
Reg. No. 30,922

Attorney Docket No. VTEK-120

Attorneys for Applicant(s)

Serial/Reg. No. 09/848,741

G & E File No.: VTEK-120

By: AAE/mat

In the Matter of the Application of: Jose Gabriel Menchero

Title/Mark: METHOD AND SYSTEM FOR MULTI-PERIOD PERFORMANCE ATTRIBUTION  
WITH METRIC-PRESERVING COEFFICIENTS

Date Mailed:

February 15, 2002

Due Date:

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- |   |  |
|---|--|
| <input type="checkbox"/> Transmittal Letter   | <input type="checkbox"/> Trademark (Use) Appln., Drawing and _____ Specimens                       |
| <input type="checkbox"/> Patent Application _____<br>____ pgs. specification including _____ pgs claims | <input type="checkbox"/> ITU Trademark Application and Drawing                                     |
| <input type="checkbox"/> Drawings _____ sheets _____ formal _____ informal                              | <input type="checkbox"/> Request for Extension of Time (trademark)<br>(Notice of Allowance: _____) |
| <input type="checkbox"/> Oath/Declaration   | <input type="checkbox"/> Statement of Use/Amendment to Allege Use                                  |
| <input type="checkbox"/> Assignment w/ Form PTO-1595  | <input type="checkbox"/> Section 8 and 15 Declaration  |
| <input type="checkbox"/> Power of Attorney  | <input type="checkbox"/> Trademark Renewal Application and _____ Specimen                          |
| <input type="checkbox"/> Small Entity Declaration   | <input type="checkbox"/> Opposition to _____   |
| <input checked="" type="checkbox"/> Deposit Account Authorization (in duplicate)                        | <input type="checkbox"/> Petition for Cancellation   |
| <input checked="" type="checkbox"/> Information Disclosure Statement, PTO-1449 _____ references         | <input type="checkbox"/> Certificate of Mailing  |
| <input type="checkbox"/> Check \$ _____   | <input type="checkbox"/> Express Mail Certificate No. _____  |
| <input type="checkbox"/> Amendment/Response   | <input type="checkbox"/> Certificate under §3.73(b)  |
| <input type="checkbox"/> Request for Extension of Time ( _____ months)(patent)                          | <input type="checkbox"/> Certificate of Correction (PTO Form 1050)                                 |
| <input type="checkbox"/> Terminal Disclaimer  | <input type="checkbox"/> Petition for _____  |
| <input type="checkbox"/> Notice of Appeal   | <input checked="" type="checkbox"/> Other: <u>Return Postcard</u>                                  |
| <input type="checkbox"/> Appeal Brief (in triplicate)   | <input checked="" type="checkbox"/> copy of International Search Report                            |
| <input type="checkbox"/> Letter to Official Draftsman   |  |
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